

OCT 26 2005

**FAX TRANSMISSION****DATE:** October 21, 2005**PTO IDENTIFIER:** Application Number 09/030,832-Conf. #7860  
Patent Number**Inventor:** Hanna, et al.**MESSAGE TO:** Examiner Robert Landsman**FAX NUMBER:** (571) 273-0888**FROM:** HUMAN GENOME SCIENCES, INC.  
Joseph Schuller**PHONE:** (301) 354-3931**Attorney Dkt. #:** PF374P1**PAGES (Including Cover Sheet):** 4**CONTENTS:**Courtesy copy of filing of October 21, 2005, per voice mail from J. Schuller; and  
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**HUMAN GENOME SCIENCES, INC.**  
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VIA FACSIMILE OCTOBER 21, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hanna et al.

Application No.: 09/030,832

Group Art Unit: 1647

Filed: February 26, 1998

Examiner: Landsman, Robert S.

For: GABA<sub>A</sub> Receptor Epsilon Subunit

**STATEMENT CONCERNING THE DEPOSITED cDNA CLONE**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Human Genome Sciences, Inc., the assignee of the present application, has deposited biological material under the terms of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure with the following International Depository Authority: American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209 (present address). The deposit was made on February 25, 1998, accepted by the ATCC, and given ATCC Accession Number 209642. In accordance with M.P.E.P. § 2410.01 and 37 C.F.R. § 1.808, assurance is hereby given that all restrictions on the availability to the public of ATCC Accession Number 209642 will be irrevocably removed upon the grant of a patent based on the instant application, except as permitted under 37 C.F.R. § 1.808(b). A partially redacted copy of the ATCC Deposit Receipt for Accession Number 209642 is enclosed herewith as Exhibit A.

Respectfully submitted,

Date: October 21, 2005

  
Joseph J. Schuller (Reg. No. 48,708)  
Agent for Applicants

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MJP/JS/mr



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: 301-231-5519 or 231-5572 • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

## INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

HGS-ATCC RECEIPT

To: (Name and Address of Depositor or Attorney)

Human Genome Sciences, Inc.  
Attn: Robert H. Benson  
9410 Key West Avenue  
Rockville, MD 20850

BEST AVAILABLE COPY

Deposited on Behalf of: Human Genome Sciences, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA Plasmid GABA<sub>E</sub> (Ref. Docket PF374)

209642



The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received February 25, 1998 by this International Depository Authority and have been accepted.

### AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested March 12, 1998. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: March 13, 1998